

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4022 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

D D O

Appearance:

MR PJ VYAS for Petitioner
MR VM PANCHOLI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/04/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Learned counsel for the respondents does not
dispute that though the petitioner was the son of the
then member of the Gram Panchayat but in the meeting in
which the Gram Panchayat has taken the decision to

regularise his possession on the Government land on which he has his cabin, he had not participated.

3. Though Mr. Pancholi contended that this resolution has been passed by the Gram Panchayat under the influence of the father of the petitioner but it is difficult to accept the same more so when no material has been produced on the record in support of this contention. Learned counsel for the respondent also does not dispute that on the Government land encroachment can be regularised. The State Road Transport Corporation has not raised any objection against this regularisation of the possession of the petitioner on the Government land. It is true that if this land would have been put to auction it would have fetched more price than what it has been paid by the petitioner by way of regularisation charges but the petitioner is in possession of this land since 1981 and the Gram Panchayat is also charging rent. In such case the Gram Panchayat as well as the District Development Officer has not committed any illegality to pass order for regularisation of possession of the petitioner. The respondent No.4 seems to be busybody and for his some personal dispute with the petitioner's father he would have raised all these objections. He has no interest in the land nor he has come up with the offer that he is ready to purchase this land for the amount more than what it has been charged by the respondent District Development Officer from the petitioner as regularisation charges.

4. In the result, this special civil application succeeds and the same is allowed and the order of the Additional Chief Secretary, Revenue Department, (Appeals), Government of Gujarat, Ahmedabad dated 9th June, 1989 is quashed and set aside. Rule is made absolute with no order as to costs.

zgs/-